

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of	§	
	§	
Number Resource Optimization	§	CC Docket No. 99-200
	§	
Implementation of the Local Competition	§	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996	§	
	§	
Telephone Number Portability	§	CC Docket No. 95-116
	§	

**REPLY COMMENTS OF THE
PUBLIC UTILITY COMMISSION OF TEXAS**

The Public Utility Commission of Texas (PUCT) respectfully submits these reply comments in response to the Federal Communications Commission's (Commission) *Third Order on Reconsideration in CC Docket No. 99-200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 95-116*.

I. Number Portability

The PUCT agrees with the comments that support extending local number portability (LNP) requirements to all local exchange carriers (LECs) and covered CMRS carriers in the largest 100 MSAs.¹ Nonetheless, certain small carriers with switches in or around the largest 100 MSAs may have good cause for an exemption from LNP (such as having few or no customers within the MSA). However, the PUCT submits that granting a blanket exemption to all small carriers or any other category of carriers may exclude carriers with good cause for exemptions and include carriers without good cause for exemptions. Accordingly, the PUCT

¹ As stated in prior comments to the Commission, the PUCT firmly believes that all other CMRS carriers should be LNP-capable by the current deadline, November 24, 2002.

concur with the California Public Utilities Commission and others in recommending that the Commission authorize the state commissions to grant exemptions on a case-by-case basis.

II. Thousands-Block Number Pooling

The PUCT supports expanding thousands-block number pooling (pooling) to all carriers in the top 100 MSAs, regardless of whether they are LNP-capable or whether they have received a request to provide LNP in a particular switch. As with LNP, certain small carriers or classes of carriers may have good cause for exemptions from pooling (such as not having any competing carriers in their rate centers). However, granting a blanket exemption to any specific category of carriers may exclude carriers with good cause for an exemption and include carriers without good cause for an exemption. Therefore, the PUCT recommends that the FCC authorize the state commissions to grant exemptions on a case-by-case basis.

III. Largest 100 MSAs

The PUCT supports including all Metropolitan Statistical Areas (MSAs) comprising the Consolidated Metropolitan Statistical Areas (CMSAs) as part of the FCC's list of the largest 100 MSAs. Many of the areas included in the top 100 as a result of the use of CMSAs will benefit from LNP and pooling. With respect to carriers in less competitive areas, the state commissions could address any concerns through a case-by-case exemption process. Small or rural carriers should not be able to automatically opt out upon showing that no competition exists in their service area. Instead, the absence of competing carriers in the service area could create a presumption favoring exemption. In addition, the states should have the discretion to determine what other factors should apply in any given case.

IV. Conclusion

The Public Utility Commission of Texas supports the greatest possible use of LNP and Thousands Block Number Pooling. Nevertheless, certain situations may warrant an exemption from LNP and pooling requirements. As a result, the PUCT favors an approach that requires all carriers in the 100 largest MSAs to have LNP and pooling capability, but also allows the state commissions to exempt carriers from these requirements on a case-by-case basis.

Respectfully submitted,

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May 23, 2002

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**REBECCA KLEIN
Chairman**

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**BRETT A. PERLMAN
Commissioner**